



Attorney/Docket No. 31132.143  
Customer No. 000027683

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:  
Berry et al.

Serial No.: 10/814,362

Filed: March 31, 2004

For: Shape Memory Alloy Disc Replacement Device

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Group Art Unit: 3725

Confirmation No.: 7748

Examiner: Unknown

**SECOND INFORMATION DISCLOSURE STATEMENT**

**Mail Stop Amendment**  
Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In compliance with the duty of disclosure under 37 CFR §1.56, and in accordance with the practice under 37 CFR §1.97 and §1.98, the Examiner's attention is directed to the documents listed on the enclosed modified Form PTO-1449. No inference should be made that the cited reference is in fact material, are in fact prior art, or that no better art exists.


The undersigned first became aware of the cited patents by their inclusion in the International Search Reports issued by the ISA/EP for the PCT counterpart on October 24, 2005.

Pursuant to 37 CFR § 1.98(a)(2), copies of the U.S. patent and publication listed on the enclosed modified Form PTO-1449 are not attached. A copy of the search report and foreign patents are enclosed.

The Commissioner is hereby authorized to charge any additional fees which may be required or credit any overpayment to Deposit Account 08-1394.

It is respectfully requested that the above information be considered by the Examiner and that a copy of the enclosed Form PTO-1449 be returned indicating that such information has been considered.

Respectfully submitted,

  
David M. O'Dell  
Registration No. 42,044

Date: 12-21-05  
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**Certificate of Mailing**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on 12-21-05.

Bonnie Boyle  
Printed Name

Bonnie Boyle  
Signature

In place of PTO-1449 Form		U. S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE DEC 27 2005		Complete if Known	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> <i>(use as many sheets as necessary)</i>				Application Number	10/814,362
				Filing Date	March 31, 2004
				Applicant(s)	Berry
				Art Unit	3725
				Examiner Name	Unknown
SHEET	1	OF	1	Attorney Docket Number	31132.143

U. S. PATENT DOCUMENTS				
Examiner's Initials	Cite No.	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
	A1	6,019,793	02/01/2000	Perren et al.
	A2	2002/077702	06/20/2002	Castro
	A3	2003/009223	01/09/2003	Fehling
	A4	2004/010315	01/15/2004	Song

FOREIGN PATENT DOCUMENTS					
Examiner's Initials	Cite No.	Foreign Patent Document (Country Code - Number - Kind)	Publication Date MM-DD-YYYY	Patentee or Applicant of Cited Document	Translation Y/N
	A5	WO 99/56676	11/11/1999	Cortek, Inc. et al.	yes
	A6	WO 00/74606	12/14/2000	SDGI Holdings, Inc. et al.	yes
	A7	WO 01/93785	12/13/2001	Tensegra, Inc. et al.	yes
	A8	WO 03/028587	04/10/2003	Rex Medical, L.P.	yes
	A9	WO 2004/016217	02/26/2004	Gerber et al.	yes

NON-PATENT LITERATURE DOCUMENTS		
Examiner's Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article, title of the item, date, page(s), volume-issue number(s), publisher, city/country where published
	A10	Patent Cooperation Treaty - European Patent Office, "Notification of Transmittal of the International Search Report and the Written Opinion of the International Searching Authority, or the Declaration," International Application No. PCT/US2005/009751, October 24, 2005, 23 pages

Examiner Signature	Date Considered
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.